## REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-26 are pending in the application. Claims 1-26 are rejected. Claims 1-10, 16 and 22-26 are amended herein. No new matter has been added as result of amendments. Support for the amendments can be found in the instant specification at least at page 10, lines 26-27; page 35, line 22, through page 36, line 5; page 47, lines 20-23; and [age 53, lines 4-6.

## REJECTIONS

### 35 U.S.C. §101 – Claims 1-9 and Claims 22-26

The Office Action mailed May 29, 2009, hereinafter referred to as the "instant Office Action," asserts that Claims 1-9 and Claims 22-26 are rejected under 35 U.S.C. §101, as directed to non-statutory subject matter. Specifically, Applicants understand the instant Office Action to assert that Claims 1-9 and 22-26 are rejected because the claim language describes a data structure that simply contains data and hence is not functional.

Applicants respectfully submit that Claims 1-9 and 22-26, as amended, overcome the instant rejection.

Applicants note that MPEP §2106.01(I) recites that "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and

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hardware components which permit the data structure's functionality to be realized, and is thus statutory."

Applicants respectfully submit that Claims 1-9 and 22-26 satisfy the requirements of 35 U.S.C. §101 as laid out in MPEP §2106.01(I) cited above.

Independent Claim 1 recites (emphasis added):

> <u>A computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising</u>:
> a first data field for identifying said geographic location and positional data related to a physical location of said geographic location; and
> a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;
> wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing.

Claim 22 has similar embodiments. Moreover, Claims 2-9 that depend from independent Claim 1 and Claims 23-26 that depend from independent Claim 22 also include these embodiments.

Applicants respectfully submit that a "<u>computer readable storage medium having a data structure disposed therein for providing information corresponding</u>

to a geographic location" satisfies the requirement of MPEP §2106.01(I) a claimed computer-readable medium encoded with a data structure is statutory.

Therefore, Applicants respectfully assert that independent Claims 1 and 22 recite to statutory subject matter under 35 U.S.C. §101, and as such are in condition for allowance. As Claims 2-9 depend from Claim 1 and Claims 23-26 depend from Claim 22, Applicants respectfully submit that Claims 1-9 and Claims 22-26 overcome the above rejection.

<u>35 U.S.C. §103(a) – Claims 1-26</u>

The instant Office Action states that Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tahtinen et al. (US Publication 2001/0046228), hereinafter referred to as "Tahtinen," in view of Jessup et al. (US Patent No. 7,330,883), hereinafter referred to as "Jessup." Applicants have reviewed Tahtinen and Jessup and respectfully submit that the embodiments as recited in Claims 1-26 are patentable over Tahtinen in view of Jessup for at least the following rationale.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)).

"In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Applicants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Applicants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Applicants respectfully submit that the rejection of the claims is improper as the rejection of Claims 1-26 does not satisfy the requirements of a *prima facie* case of obviousness as claim embodiments are not met by Tahtinen in view of Jessup. Applicants respectfully submit that Tahtinen in view of Jessup does not teach or suggest the claimed embodiments in the manner set forth in independent Claims 1, 10, 16 and 22.

Independent Claim 1 recites (emphasis added):

A computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising:
a first data field for identifying said geographic location and positional data related to a physical location of said geographic location; and
a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;
<u>wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing</u>.

Independent Claims 10, 16 and 22 recite similar embodiments to Claim 1.

Moreover, Claims 2-9 that depend from independent Claim 1, Claims 11-15 that depend from independent Claim 10, Claims 17-21 that depend from independent Claim 16 and Claims 23-26 that depend from independent Claim 22 also include these embodiments.

Applicants respectfully submit that Tahtinen does not teach, describe or suggest "wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location <u>functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing</u>" (emphasis added) as claimed.

Applicants understand Tahtinen to disclose "a method and arrangement for interconnecting a virtual reality world (3) and the real world (7) for purposes of establishing a real-time communications connection such as a telephone call connection" (Abstract). In particular, Tahtinen recites that "there exists a data structure in which the subscriber number information is associated with a certain point of the coordinate space of the virtual-reality world" ([0004]). However, Applicants respectfully submit that this data structure is not downloadable to client device. In contrast, Applicants understand that the data structure is used by an access network and a telephone network to establish "a bidirectional voice connection between the data communications network and the telephone network" ([0004]). Therefore, Applicants respectfully submit that Tahtinen does not teach, describe or suggest "wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location <u>functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing</u>" (emphasis added) as claimed.

Moreover, by disclosing that the data structure is used by an access network and a telephone network to establish "a bidirectional voice connection between the data communications network and the telephone network" ([0004]), Applicants respectfully submit that Tahtinen <u>teaches away from</u> "wherein said first data field and said second data field are linked such that said data structure

comprising said positional data and said uniform resource locator related to said physical location <u>functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing</u>" (emphasis added) as claimed.

Moreover, Applicants respectfully submit that Jessup does not overcome the deficiencies of Tahtinen, because Applicants respectfully submit that Jessup also does not teach, describe or suggest "wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location <u>functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing</u>" (emphasis added) as claimed.

Applicants understand Jessup to disclose "[a] system and method for using a wireless browser to send local information from a wireless handset to a Web server" (Abstract). Applicants respectfully submit that Jessup is silent to, and thus does not teach, describe or suggest, "wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location <u>functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing</u>" (emphasis added) as claimed.

Moreover, by disclosing that local information is sent <u>from a wireless</u>

<u>handset to a Web server</u>" (emphasis added; Abstract), Applicants respectfully

submit that Tahtinen <u>teaches away from</u> "wherein said first data field and said

second data field are linked such that said data structure comprising said

positional data and said uniform resource locator related to said physical location

<u>functions as a virtual beacon and is downloadable to a client device near said</u>

<u>physical location such that said uniform resource locator is accessible by said</u>

<u>user without browsing</u>" (emphasis added) as claimed.

Therefore, Applicants submit that Tahtinen in view of Jessup fails to teach,

describe or suggest the embodiments of independent Claims 1, 10, 16 and 22.

As the claimed embodiments <u>as a whole</u> are not met by Tahtinen in view of

Jessup, Applicants respectfully submit that the rejection does not satisfy the

requirements of a *prima facie* case of obviousness.

Applicants respectfully assert that Tahtinen in view of Jessup does not

render obvious the claimed embodiments of the present invention as recited in

independent Claims 1, 10, 16 and 22, that these claims overcome the rejection

under 35 U.S.C. § 103(a), and that these claims are thus in a condition for

allowance. Therefore, Applicants respectfully submit that Tahtinen in view of

Jessup also does not render obvious the claimed embodiments as recited in

Claims 2-9 that depend from independent Claim 1, Claims 11-15 that depend

from independent Claim 10, Claims 17-21 that depend from independent Claim 16, and Claims 23-26 that depend from independent Claim 22, and that Claims 2-9, 11-15, 17-21 and 23-26 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

## CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-26 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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